

**REMARKS/ARGUMENTS**

Applicants elect Group III without traverse. The elected claims have been amended to incorporate the limitations of the non-elected claims from which they depend, and for clarity.

Applicants further elect a nucleic acid encoding VOP 32E protein (Tables 2 and 3) with traverse. The Examiner justifies the requirement for further election of a nucleic acid sequence encoding a zinc finger protein on the basis that the nucleotides sequences claimed differ in structure, function and chemical properties. This requirement is traversed on the following grounds. First, the restriction requirement to a nucleic acid sequence encoding a zinc finger protein is not relevant to any of claims 21, 24, or 86-89 because these claims are not directed to nucleic acids encoding particular zinc finger proteins. Rather, these claims are directed to a generic class of nucleic acids encoding a generic class of zinc finger proteins that bind to target nucleic acid sequences provided in Tables 3 or 4. Because these claims do not recite particular zinc finger proteins or the nucleic acid sequences encoding them, the claims can be searched without election of a nucleic acid sequence encoding a particular zinc finger protein.

Second, with respect to claims 22 and 23, which do refer to amino acid sequences of segments of zinc finger proteins as specified in Tables 3 and 4, it is submitted that restriction to a single species is unduly restrictive. MPEP 803.04 provides that "It has been determined that normally ten sequences constitute a reasonable number for examination purposes." Examination of more than one sequence is particularly appropriate here in that the different amino acid sequences are structurally, chemically and functionally related. The sequences are structurally related in that zinc finger proteins incorporating the recited sequences have a common zinc finger backbone structure comprising an alpha helix and a beta turn (see, *e.g.*, paragraph 100 of the specification). Their chemical properties are similar in that they are polypeptides which bind DNA in a sequence-specific fashion; and they are functionally related in that such zinc finger proteins share the property of binding to a VEGF gene and modulating angiogenesis. Because of the structural, chemical and functional similarities among the different sequences of zinc finger

Appl. No. 10/006,069  
Amdt. dated May 8, 2003  
Reply to Office Action of April 9, 2003

PATENT

proteins encompassed by the claims, it is submitted that there would be no undue burden in examining the claimed sequences.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



Joe Liebeschuetz  
Reg. No. 37,505

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 650-326-2422

JOL:pfh  
PA 3303903 v1